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Elections. Open Primary.

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State of California

OFFICE OF THE SECRETARY OF STATE

September 8, 1994



TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS (94231)

Pursuant to Section 3523 of the Elections Code, I hereby certify that on September 8, 1994 the certificates received from the County Clerks or Registrars of Voters by the Secretary of State established that the Initiative Statute, ELECTIONS. OPEN PRIMARY. has been signed by the requisite number of qualified electors needed to declare the petition sufficient. The ELECTIONS. OPEN PRIMARY. INITIATIVE STATUTE is, therefore, qualified for the March 26, 1996 Primary Election.

ELECTIONS. OPEN PRIMARY. INITIATIVE STATUTE. Provides that all persons entitled to vote, including those not affiliated with any political party, shall have the right to vote at any elections for any candidate regardless of the candidate's political affiliation. Provides for a single primary ballot on which, under the appropriate title for each office, the names and party affiliations of all candidates are placed randomly and not grouped by political party. Retains separate partisan ballot only for selection of elective political party committee members by voters of each party. Requires Legislature to conform conflicting statutes. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: No direct fiscal impact on state government costs. Local governments should realize some savings from changes attributable to ballot preparation, though net savings would not be significant.

IN WITNESS WHEREOF, I hereunto
set my hand and affix the Great
Seal of the State of California this
8th day of September, 1994.



Tony Miller
TONY MILLER
Acting Secretary of State

2

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4



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820
For Hearing and Speech Impaired
Only:
(800) 833-8683

#633

February 14, 1994

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (94045)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**ELECTIONS. OPEN PRIMARY.
INITIATIVE STATUTE.**

Circulating and Filing Schedule

1. Minimum number of signatures required 384,974
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Monday, 02/14/94
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Monday, 02/14/94
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Wednesday, 07/13/94
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State Monday, 07/25/94

(If the Proponents file the petition with the county on a date prior to 07/13/94, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Wednesday, 08/03/94*

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Friday, 09/16/94

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 08/03/94, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 423,472 or less than 365,726 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 365,726 and 423,472 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures . . . Monday, 09/26/94*

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 11/08/94

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/26/94, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 11/12/94*

* Date varies based on receipt of county certification.

ELECTIONS. OPEN PRIMARY.
INITIATIVE STATUTE.
February 14, 1994
Page 3

4. The Proponents of the above-named measure are:

Richard B. Ferrari
4 Gingertree Lane
Coronado, CA 92118

Trish Hooper
580 Mountain Home Road
Woodside, CA 94062

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; Bilofsky v. Deukmejian (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 41, 41.5, 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

**NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 8, 1994
GENERAL ELECTION:** This initiative must be certified for the ballot 131 days before the election (June 30, 1994). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by April 22, 1994. If a 100% check of signatures is necessary, it is advised that the petitions be filed by March 2, 1994.

Sincerely,



CATHY MITCHELL
INITIATIVE COORDINATOR

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

February 14, 1994

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, CA 95814

FILED
in the office of the Secretary of State
of the State of California

FEB 14 1994

MARCH FONG EU, Secretary of State
By [Signature] Deputy

Re: Initiative Title and Summary
Subject: ELECTIONS. OPEN PRIMARY. INITIATIVE STATUTE.
File No: SA 93 RF 0049

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the names and addresses of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

[Signature]
KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: February 14, 1994
File No: SA93RF0049

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

ELECTIONS. OPEN PRIMARY. INITIATIVE STATUTE. Provides that all persons entitled to vote, including those not affiliated with any political party, shall have the right to vote at any elections for any candidate regardless of the candidate's political affiliation. Provides for a single primary ballot on which, under the appropriate title for each office, the names and party affiliations of all candidates are placed randomly and not grouped by political party. Retains separate partisan ballot only for selection of elective political party committee members by voters of each party. Requires Legislature to conform conflicting statutes. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: No direct fiscal impact on state government costs. Local governments should realize some savings from changes attributable to ballot preparation, though net savings would not be significant.

SA93RF 0049

LAW OFFICES OF
BAGATELOS & FADEM
THE INTERNATIONAL BUILDING
601 CALIFORNIA STREET
SUITE 1801
SAN FRANCISCO, CALIFORNIA 94108

BARRY FADEM
PETER A. BAGATELOS

TELEPHONE
(415) 982-7100
FAX
(415) 982-1085

December 27, 1993

BY FEDERAL EXPRESS

Office of the Attorney General
Department of Justice
1515 K Street, Suite 511
Sacramento, California 94244-2550

Attn: Kathleen DaRosa
Initiative Coordinator

Re: Open Primary Act

Dear Ms. DaRosa:


This firm represents the proponents of the Open Primary Act, a proposed initiative.

As you know, we sent to you previously a check for \$200, which represents the filing fee for this initiative. We also sent to you by facsimile transmission copies of the transmittal letters signed by the proponents, as well as a copy of the text of the initiative.

We are enclosing herewith an original copy of the text of the initiative. Also, each of the proponents is sending to you by overnight delivery a signed original of the transmittal letter and a signed disclaimer form, as required by Elections Code §§3502 and 5358. This will permit processing to commence, effective on December 27, 1993.

Thank you for your cooperation. Please contact this office if you have any questions.

Very truly yours,


Peter A. Bagatelos

PAB:bz

Enclosures

cc: Trish Hooper
Richard Ferrari

op\1227ag.ltr

RECEIVED

DEC 28 1993

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SA93RF 0049

December 28, 1993

Office of the Attorney General
Department of Justice
1515 K Street, Suite 511
Sacramento, CA 94244-2550

Attn: Kathleen DaRosa
Initiative Coordinator

Re: Open Primary Act

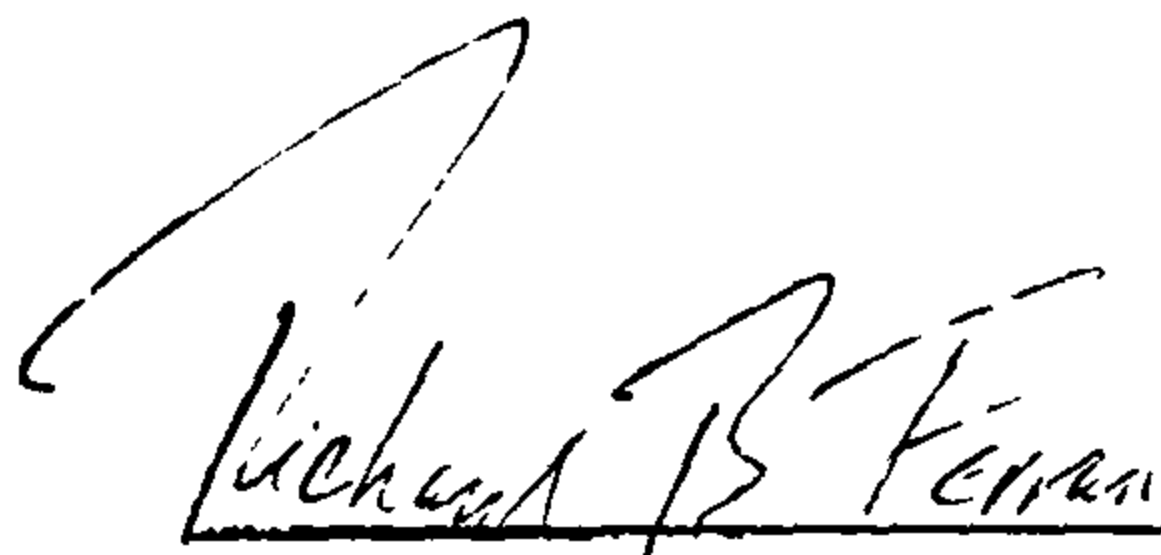
Dear Ms. DaRosa:

Pursuant to Elections Code Section 3503, we request that the Attorney General prepare a title and summary of the chief purposes and points of the "Open Primary Act", a copy of which is attached. You should already be in receipt of a check for \$200 that was sent under separate cover.

We have indicated our address where we are registered to vote. Also, we request that you send copies of all correspondence and inquiries to our attorney:

Peter A. Bagatelos
Bagatelos & Fadcm
601 California Street, Suite 1801
San Francisco, CA 94108
(415) 982-7100
(415) 982-1085 fax

Sincerely yours,



Richard B. Ferrari
4 Gingertree Lane
Coronado, CA 92118

Trish Hooper
580 Mountain Home Road
Woodside, CA 94062

December 28, 1993

Office of the Attorney General
Department of Justice
1515 K Street, Suite 511
Sacramento, CA 94244-2550

Attn: Kathleen DaRosa
Initiative Coordinator

Re: Open Primary Act

Dear Ms. DaRosa:

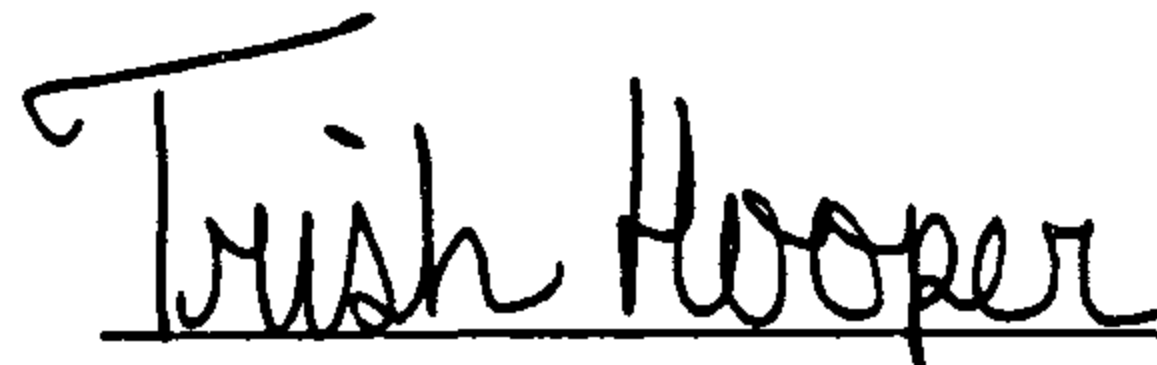
Pursuant to Elections Code Section 3503, we request that the Attorney General prepare a title and summary of the chief purposes and points of the "Open Primary Act", a copy of which is attached. You should already be in receipt of a check for \$200 that was sent under separate cover.

We have indicated our address where we are registered to vote. Also, we request that you send copies of all correspondence and inquiries to our attorney:

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601 California Street, Suite 1801
San Francisco, CA 94108
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Sincerely yours,

Richard B. Ferrari
4 Gingertree Lane
Coronado, CA 92118


Trish Hooper
580 Mountain Home Road
Woodside, CA 94062

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

Section 1. This amendment shall be known and may be cited as the "Open Primary Act".

Section 2. Section 101 is added to the Elections Code, to read:

All persons entitled to vote, including those not affiliated with any political party, shall have the right to vote, except as otherwise provided by law, at any election in which they are qualified to vote, for any candidate regardless of the candidate's political affiliation.

Section 3. Section 501 of the Elections Code is amended to read:

501. At the time of registering and of transferring registration, each elector may declare the name of the political party with which he or she intends to affiliate at the ensuing primary election. The name of that political party shall be stated in the affidavit of registration and the index.

The voter registration card shall inform the affiant that any elector may decline to state a political affiliation, ~~but no person shall be entitled to vote the ballot of any political party and that all properly registered voters may vote for their choice at any primary election unless he or she has stated the name of the party with which he intends to affiliate for any candidate for each office regardless of political affiliation and without a declaration of political faith or allegiance.~~ The voter registration card shall include a listing of all qualified political parties.

Notwithstanding any provision to the contrary, no person shall be permitted to vote the ballot ~~of any party~~ for any elective political party central or district committee member ~~or for any delegates to the convention of any party~~ other than the party designated in his or her registration, except as provided by Section 502.

Section 4. Section 10007 of the Elections Code is amended to read:

10007. By at least 29 days before the primary election, each county clerk shall prepare ~~separate identical~~ sample ballots for each ~~political party and a separate sample nonpartisan ballot, voter,~~ provided however, that in the case of ballots involving elective political party central or district committee members, each county clerk shall prepare separate ballots for the sole use of persons registered with that party, as provided for in §501. On the official identical primary ballots, placing each county clerk shall place thereon in each case in the order provided in Chapter 2 (commencing with Section 10200) of Division 8 ~~of this code,~~ and under the appropriate title of each office, the names and party affiliations of all candidates, organized randomly as provided in Section 10217 and not grouped by political party, for whom nomination papers have been duly filed with him or her or have been certified to him or her by the Secretary of State to be voted for in his or her county at the primary election. The sample ~~ballot~~ ballots shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot. Except as provided in Section 10230, one sample official primary ballot of the party to which the voter belongs, as evidenced by his or her registration, shall be mailed to each voter entitled to vote at the primary not more than 40 nor less than ten days before the election. ~~A nonpartisan sample ballot shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election.~~

Section 5. Section 10008 of the Elections Code is amended to read:

10008. At the time the county clerk prepares sample ballots for each ~~political party at~~ the presidential primary, he shall also prepare a list with the name of candidates for delegates for each political party. The names of the candidates for delegates of any political party shall be arranged upon the list of candidates for delegates of that party in parallel columns under their preference for President. The order of groups on the list shall be alphabetically according to the names of the persons they prefer appear upon the ballot. Each column shall be headed in boldface 10-point, gothic type as follows: "The following delegates are pledged to ____"

(The blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference.) The names of the candidates for delegates shall be printed in eight-point, roman capital type.

Copies of the list of candidates for delegates of each party shall be submitted by the county clerk to the chairman of the county central committee of that party, and the county clerk shall post a copy of each list in a conspicuous place in his office.

Section 6. Section 10009 of the Elections Code is amended to read:

10009. The county clerk shall forthwith submit the sample official primary ballot of ~~each political party~~ to the chairman of the county central committee of ~~that~~ each political party and shall mail a copy to each candidate for whom nomination papers have been filed in his office or whose name has been certified to him by the Secretary of State, to the post office address as given in the nomination paper or certification, and he shall post a copy of ~~each~~ the sample ballot in a conspicuous place in his office.

Section 7. Section 10200.5 of the Elections Code is amended to read:

10200.5. All voting shall be by ballot. There shall be provided at each polling place, at each election at which public officers are to be voted for, ~~but~~ one form of ballot for all candidates for public office, ~~except that for partisan primary elections one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot listing all candidates for public office.~~ At such ~~partisan~~ primary elections each voter ~~not registered as intending to affiliate with any one of the political parties participating in the election~~ shall be furnished ~~only a nonpartisan~~ an official primary ballot. The ~~nonpartisan~~ official primary ballot shall contain ~~only~~ the names of all candidates for nonpartisan and partisan offices and measures to be voted for at the primary election. ~~Each voter registered as intending to affiliate with a political party participating in the election shall be furnished only a ballot of the~~

~~political party with which he is registered and the nonpartisan ballot both of which shall be printed together as one ballot in the form prescribed by Section 10207.~~

Section 8. Section 10203 of the Elections Code is amended to read:

10203. Across the top of the ballot shall be printed in heavy-faced gothic capital type not smaller than 30-point, the words "OFFICIAL BALLOT." However, if the ballot is no wider than a single column, the words "OFFICIAL BALLOT" may be as small as 24-point. Beneath this heading, in the case of a ~~partisan~~ an official primary election, shall be printed in 18-point boldfaced gothic capital type ~~the official party designation or~~ the words "~~NONPARTISAN~~ OFFICIAL PRIMARY BALLOT" ~~as applicable~~. Beneath the heading line or lines, there shall be printed, in boldface type as large as the width of the ballot makes possible, the number of the congressional, Senate, and Assembly district, the name of the county in which the ballot is to be voted, and the date of the election.

Section 9. Section 10206 of the Elections Code is amended to read:

On the ~~partisan~~ ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ~~partisan~~ ballot and shall be set directly above these columns. Within the box shall be printed in 24-point boldfaced gothic capital type the words "Partisan Offices."

The same style of box shall appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Nonpartisan Offices."

This section shall not apply to ballots for elective political party central or district committee members prepared in accordance with Section 10007.

Section 10. Section 10230 of the Elections Code is amended to read:

10230. If the county clerk determines that due to the number of candidates and measures that must be printed on the ballot the ballot will be larger than may be conveniently handled, the county clerk may provide that a ~~nonpartisan~~ ballot for nonpartisan offices and measures shall be given to each ~~partisan~~ voter, together with his ~~partisan~~ or her official primary ballot ~~and that the material appearing under the heading "Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.~~

~~If the~~ Notwithstanding Section 10007, the county clerk ~~so provides,~~ shall provide that the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by partisan voters. The county clerk may, in such case, order the second ballot to be printed on paper of a different tint and assign to those ballots numbers higher than those assigned to the ballots ~~containing partisan offices~~ for nonpartisan offices and measures.

Section 11. No provision of this Act may be changed except by a vote of the People.

The Legislature shall amend or delete other provisions of law not encompassed by this Act which conflict with the provisions herein in order to bring them into conformity with this Act.

Section 12. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

